

Delegation Order Number 5-3 (Rev. 1)

Effective Date: November 8, 2007

- (1) **Levy on Property in the Hands of a Third Party (not to include Levy Form 668-B)**
- (2) **Authority:** To issue notices of intent to levy and notices of the right to a collection due process hearing.
- (3) **Delegated to:** Technical Services Advisors; GS-09 Insolvency employees; Revenue Officers; Tax Resolution Representatives; Tax Examiners and Collection Representatives in SB/SE and W&I responsible for collection matters.
- (4) **Redelegation:** This authority may not be redelegated.
- (5) **Authority:** To issue notices of levy on property in the hands of a third party, except as further qualified below.
- (6) **Delegated to:** GS-09 Insolvency employees; Technical Services Advisors; GS-09 Revenue Officers; GS-09 Tax Resolution Representatives; GS-06 Tax Examiners and Collection Representatives in SB/SE and W&I responsible for collection matters.
- (7) **Redelegation:** This authority may not be redelegated.
- (8) **Authority:** To issue notices of levy:
 - a. On retirement income
 - b. On benefit income (unless specifically listed elsewhere in this Delegation Order)
 - c. On Social Security income
 - d. In alter-ego and nominee situations that have been concurred with by the responsible Area Counsel or Associate Area Counsel
- (9) **Delegated to:** SB/SE and W&I Compliance/Collection Managers responsible for collection matters; SB/SE Campus Insolvency Managers; GS-12 Insolvency employees; Technical Services Advisors; GS-09 Revenue Officers; W&I Field Assistance Group Managers.
- (10) **Redelegation:** This authority may not be redelegated.

- (11) **Authority:** To issue notices of levy on:
- a. The income of both spouses living in the same household
 - b. Cash loan value of life insurance
- (12) **Delegated to:** Insolvency Group Managers; Technical Services Advisory Group Managers; Revenue Officer Group Managers; GS-09 SB/SE and W&I Compliance/Collection Managers responsible for collection matters; W&I Field Assistance Group Managers.
- (13) **Redelegation:** This authority may not be redelegated.
- (14) **Authority:** To issue notices of levy:
- a. When collection is in jeopardy (with or without a jeopardy/termination assessment) after all pre-levy notices have been issued and the waiting periods for them have passed. For example, even after all pre-levy notices, jeopardy may be required for a levy because:
 1. It is the appearance date of a summons
 2. There is a pending or active installment agreement
 3. A rejected installment agreement can be appealed or is being appealed
 4. An offer in compromise is pending
 5. A rejected offer in compromise can be appealed or is being appealed
- (15) **Delegated to:** SB/SE Collection Territory Managers; Insolvency Territory Managers; Technical Services Advisory Territory Managers; SB/SE and W&I Compliance/Collection Managers (second level) responsible for collection matters; W & I Field Assistance Territory Managers. Concurrence of the responsible Area Counsel or Associate Area Counsel is required.
- (16) **Redelegation:** This authority may not be redelegated
- (17) **Authority:** To issue notices of levy:
- a. On Relocation Act payments
 - b. On Medicare payments payable to beneficiaries
 - c. On Foster Care payments
 - d. On cash deposited as security for bail
 - e. During the fifteen tolerance days following the end of the 30-day period for notice on intent to levy and notice of a right to a hearing if collection is in jeopardy

- (18) **Delegated to:** SB/SE Collection Territory Managers, W&I Field Assistance Territory Managers; Insolvency Territory Managers; Technical Services Advisory Territory Managers; SB/SE and W & I Compliance/Collection Managers (second level) responsible for collection matters.
- (19) **Redelegation:** This authority may not be redelegated.
- (20) **Authority:** To issue notices of levy:
- a. When collection is in jeopardy (with or without a jeopardy/termination assessment) and the pre-levy notices have not been issued and/or the waiting periods after the notices have not passed
- (21) **Delegated to:** SB/SE Collection Territory Managers; Insolvency Territory Managers; Technical Services Advisory Territory Managers; SB/SE and W & I Compliance/Collection Managers (second level) responsible for collection matters; W & I Field Assistance Territory Managers. Concurrence of the responsible Area Counsel or Associate Area Counsel is required.
- (22) **Redelegation:** This authority may not be redelegated.
- (23) **Authority:** To issue notices of levy on:
- a. United Nations employees' salaries
 - b. Death benefits
 - c. Funds held in pension and retirement plans (including IRAs and ERISA type pension plans) which the notice of levy withdraws as a lump sum
- (24) **Delegated to:** SB/SE Directors, Collection Area; SB/SE Directors, Compliance Campus Operations; W&I Field Directors, Compliance Services; Director, Case Processing; Director, Advisory, Insolvency and Quality.
- (25) **Redelegation:** This authority may not be redelegated.
- (26) **Authority:** To release notices of levy on property in the hands of a third party.
- (27) **Delegated to:** GS-12 Insolvency employees; Technical Services Advisors; GS-05 Revenue Officers; GS-09 Tax Resolution Representatives; Tax Examiners and Collection Representatives in

SB/SE and W&I responsible for collection matters; Property Appraisal and Liquidation Specialists; GS-07 Bankruptcy Specialists and Bankruptcy Technicians.

- (28) **Redelegation:** This authority may not be redelegated.
- (29) **Authority:** To issue final demand for payment to a third party who has not honored a notice of levy.
- (30) **Delegated to:** GS-12 Insolvency employees; GS-11 Technical Services Advisors; GS-05 Revenue Officers; GS-09 Tax Resolution Representatives; Tax Examiners and Collection Representatives in SB/SE and W&I responsible for collection matters; GS-07 Bankruptcy Specialists.
- (31) **Redelegation:** This authority may not be redelegated.
- (32) **Authority:** To issue a notice to exhibit books or records under section 6333.
- (33) **Delegated to:** GS-12 Insolvency employees; GS-11 Technical Services Advisors; GS-09 Revenue Officers; Property Appraisal and Liquidation Specialists; GS-09 Tax Resolution Representatives; GS-06 Tax Examiners and Collection Representatives in SB/SE and W&I responsible for collection matters.
- (34) **Redelegation:** This authority may not be redelegated.
- (35) **Authority:** To make determinations to return levy payments and determine wrongful levy claims.
- (36) **Delegated to:** SB/SE Collection Territory Managers; Insolvency Territory Managers; Technical Services Advisory Territory Managers; SB/SE and W&I Compliance/Collection Managers (second level) responsible for collection matters; W&I Field Assistance Territory Managers (Field Assistance authority is only for Automated Levy Program payments, such as Federal Payment Levy Program, that are received for taxpayers who are assigned neither to ACS nor to a revenue officer).
- (37) **Redelegation:** This authority may not be redelegated.
- (38) **Sources of Authority:** IRC § 6330, IRC § 6331, IRC § 6332, IRC § 6333, IRC § 6343, and IRC § 7249; 26 CFR 301.6330-1, 26 CFR 301.6331-1, 26 CFR 301.6331-2, 26 CFR 301.6332-1, 26 CFR

301.6332-2, 26 CFR 301.6332-3, 26 CFR 301.6333-1, 26 CFR 301.6343-1, 26 CFR 301.6343-2 and 26 CFR 301.7701-9.

(39) To the extent that any action previously exercised consistent with this order may require ratification; it is hereby affirmed and ratified. This order supersedes Delegation Order 5-3.

(40) Signed: Linda E. Staff, Acting Commissioner